

2120 - Served  
2220 - Not Served  
2320 - Served By Mail  
2420 - Served By Publication  
SUMMONS

2121 - Served  
2221 - Not Served  
2321 - Served By Mail  
2421 - Served By Publication  
ALIAS - SUMMONS



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, \_\_\_\_\_ LAW \_\_\_\_\_ DIVISION

STEVIE WALLACE,

(Name all parties)

v.

CITY OF CHICAGO and UNKNOWN OFFICERS,

No. \_\_\_\_\_

RECEIVED  
CITY COUNCIL DIVISION  
2009 DEC -2 PM 3:21  
OFFICE OF THE  
CITY CLERK

SUMMONS

To each Defendant: SEE ATTACHED SERVICE LIST.

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- |                                                                                                                    |                                                                                                   |                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room _____, Chicago, Illinois 60602 |                                                                                                   |                                                                                                   |
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077                           | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Ave.<br>Maywood, IL 60153          |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455                     | <input type="checkbox"/> District 6 - Markham<br>16501 S. Kedzie Pkwy.<br>Markham, IL 60426       | <input type="checkbox"/> Child Support<br>28 North Clark St., Room 200<br>Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 35186

Name: EVINS & ASSOCIATES

Atty. for: Plaintiff

Address: 20 N. Clark Street, Suite 1450

City/State/Zip: Chicago, Illinois 60602

Telephone: (312) 782-2308

WITNESS, \_\_\_\_\_

Clerk of Court

Date of service: 12/2/10

(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION**

|                         |   |     |
|-------------------------|---|-----|
| STEVIE WALLACE,         | ) |     |
|                         | ) |     |
| Plaintiff,              | ) |     |
|                         | ) |     |
| v.                      | ) | No. |
|                         | ) |     |
| THE CITY OF CHICAGO and | ) |     |
| UNKNOWN OFFICERS,       | ) |     |
|                         | ) |     |
| Defendants.             | ) |     |

**SERVICE LIST**

1. CITY OF CHICAGO  
30 N. LASALLE STREET  
SUITE 800  
CHICAGO ILLINOIS 60602  
BY SERVING ANY RESPONSIBLE AGENT

**VIA COOK COUNTY SHERIFF**

2120 - Served 2121 - Served  
2220 - Not Served 2221 - Not Served  
2320 - Served By Mail 2321 - Served By Mail  
2420 - Served By Publication 2421 - Served By Publication  
SUMMONS ALIAS - SUMMONS



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, \_\_\_\_\_ LAW \_\_\_\_\_ DIVISION

No. \_\_\_\_\_

STEVIE WALLACE,  
\_\_\_\_\_  
(Name all parties)

v.

CITY OF CHICAGO and UNKNOWN OFFICERS,  
\_\_\_\_\_

SUMMONS

To each Defendant: SEE ATTACHED SERVICE LIST.

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- |                                                                                                                    |                                                                                                   |                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room _____, Chicago, Illinois 60602 |                                                                                                   |                                                                                                   |
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077                           | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Ave.<br>Maywood, IL 60153          |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455                     | <input type="checkbox"/> District 6 - Markham<br>16501 S. Kedzie Pkwy.<br>Markham, IL 60426       | <input type="checkbox"/> Child Support<br>28 North Clark St., Room 200<br>Chicago, Illinois 60602 |

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Atty. No.: 35186

Name: EVINS & ASSOCIATES

Atty. for: Plaintiff

Address: 20 N. Clark Street, Suite 1450

City/State/Zip: Chicago, Illinois 60602

Telephone: (312) 782-2308

WITNESS, \_\_\_\_\_

Clerk of Court

Date of service: \_\_\_\_\_  
(To be inserted by officer on copy left with defendant or other person)

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(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

|                         |   |     |
|-------------------------|---|-----|
| STEVIE WALLACE,         | ) |     |
|                         | ) |     |
| Plaintiff,              | ) |     |
|                         | ) |     |
| v.                      | ) | No. |
|                         | ) |     |
| THE CITY OF CHICAGO and | ) |     |
| UNKNOWN OFFICERS,       | ) |     |
|                         | ) |     |
| Defendants.             | ) |     |

**SERVICE LIST**

1. CITY OF CHICAGO  
30 N. LASALLE STREET  
SUITE 800  
CHICAGO ILLINOIS 60602  
BY SERVING ANY RESPONSIBLE AGENT

**VIA COOK COUNTY SHERIFF**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

STEVIE WALLACE, )  
 )  
Plaintiff, )  
 )  
v. ) No.  
 )  
THE CITY OF CHICAGO and )  
UNKNOWN OFFICERS, )  
 )  
Defendants. )

10 NOV 29 PM 3:23

CLERK

1013583

11/29/10

11/29/10

**COMPLAINT AT LAW**

NOW COMES the Plaintiff, STEVIE WALLACE, by and through his attorneys, EVINS & ASSOCIATES, and pursuant to this Complaint at Law, states the following against THE CITY OF CHICAGO and UNKNOWN OFFICERS, hereinafter referred to as "DEFENDANT OFFICERS."

**JURISDICTION**

1. The jurisdiction of this Court is invoked pursuant to the Civil Rights Act, 42 U.S.C. Sec. 1983; the Judicial Code 28 U.S.C. Sec. 1331 and Sec. 1343(a); the Constitution of the United States and this Court's supplementary jurisdiction powers.

**PARTIES**

2. STEVIE WALLACE is a resident of the State of Illinois and of the United States.
3. The DEFENDANT OFFICERS, at all times relevant hereto, were employed by and acting on behalf of THE CITY OF CHICAGO.
4. THE CITY OF CHICAGO is a duly incorporated municipal corporation and is the employer and principal of the DEFENDANT OFFICERS, as well as the other officers and/or employees referred to in this Complaint. At all times material to this Complaint, the

DEFENDANT OFFICERS were acting under the color of state law, ordinance and/or regulation, statutes, custom and usages of THE CITY OF CHICAGO.

5. THE CITY OF CHICAGO is a duly incorporated municipal corporation and is the employer and principal of the DEFENDANT OFFICERS, as well as the offer officers and/or employees referred to in this Complaint. At all times material to this Complaint, the DEFENDANT OFFICERS were acting under the color of state law, ordinance and/or regulation, statute, custom and usage of THE CITY OF CHICAGO.

### FACTS

6. On or about December 10, 2009, at approximately 9:30 p.m. the PLAINTIFF arrived at 7718 S. Drexel Avenue, Chicago, Illinois.

7. On above stated time and place, the PLAINTIFF was at said location to visit a friend.

8. At that time and place, the PLAINTIFF was a guest, legally on the property.

9. The Plaintiff then proceeded to the rear entrance of 7718 S. Drexel Avenue, Chicago, Illinois.

10. When the PLAINTIFF arrived at the rear of said location, the DEFENDANT OFFICERS instructed the PLAINTIFF to lie down on the ground.

11. The DEFENDANT OFFICERS came into physical contact with the PLAINTIFF. The DEFENDANT OFFICERS knocked the PLAINTIFF to the ground wherein the PLAINTIFF was caused to strike is head on a fence. The DEFENDANT OFFICERS struck the PLAINTIFF several times while the PLAINTIFF was on the ground.

12. The PLAINTIFF was at all times cooperative, and at all times compliant with any and all requests and orders made upon him by the DEFENDANT OFFICERS.

13. The DEFENDANT OFFICERS were on duty at all times relevant to this Complaint and engaged in the complained of conduct in the course and scope of their employment.

14. Specifically, some or all of the DEFENDANT OFFICERS struck and pushed the PLAINTIFF, despite the fact that he had not resisted, was compliant at all times, and was not a threat to the DEFENDANT OFFICERS. This conduct violated the Fourth Amendment to the United States Constitution.

15. On or about all relevant times of the Complaint, the PLAINTIFF did not obstruct justice, resist in any way, nor did he batter and/or assault any of the DEFENDANT OFFICERS.

16. The show of force initiated by and/or failure to intervene in the use of said force by some or all of the DEFENDANT OFFICERS was unreasonable.

17. At the time and place of this Complaint, the PLAINTIFF had not committed and act contrary to the law of the State of Illinois, nor was he at any time the focus or subject of a criminal investigation.

18. As a direct and proximate result of one or more of the aforesaid acts or omissions of the DEFENDANT OFFICERS, the PLAINTIFF suffered severe injuries, in that the force used by the DEFENDANT OFFICERS caused bodily harm to the PLAINTIFF.

19. On or about December 10, 2009, the DEFENDANT OFFICERS were on duty at all times relevant to this Complaint and the DEFENDANT OFFICERS were duly appointed police officers for THE CITY OF CHICAGO. The DEFENDANT OFFICERS engaged in this conduct complained of, on said date, in the course and scope of employment and while on duty. This action is being brought with regard to the individual capacity of the DEFENDANT OFFICERS.

**COUNT I**

**Excessive Force Claim Pursuant to  
42. U.S.C. Sec. 1983 and the Fourth Amendment to the U.S. Constitution**

20. The PLAINTIFF re-alleges paragraphs 1 – 19 as though fully set forth herein.

21. These actions and/or failure to intervene in the actions of the DEFENDANT OFFICERS amounted to an excessive use of force to the PLAINTIFF.

22. This conduct violated the Fourth Amendment of the United States Constitution.

23. The aforementioned actions of the DEFENDANT OFFICERS was the direct and proximate cause of the constitutional violations set forth above.

WHEREFORE, the PLAINTIFF, STEVIE WALLACE, demands compensatory damages from the DEFENDANT OFFICERS. Plaintiff, STEVIE WALLACE also demands punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS and whatever additional relief this Court deems equitable and just.

**COUNT II**

**State Law Battery Claim**

24. The PLAINTIFF re-alleges paragraphs 1 – 19 as though fully set forth herein.

25. The DEFENDANT OFFICERS struck the PLAINTIFF intentionally and without consent and with justification.

26. The Plaintiff suffered injury as a result.

27. The conduct of the DEFENDANT OFFICERS was in violation of the laws of the State of Illinois.

28. The aforementioned actions of the DEFENDANT OFFICERS were the direct and proximate cause of the violation and injuries set forth above.

WHEREFORE, the PLAINTIFF, STEVIE WALLACE, demands compensatory damages from the DEFENDANT OFFICERS. Plaintiff, STEVIE WALLACE also demands punitive



damages, costs and attorneys' fees against the DEFENDANT OFFICERS and whatever additional relief this Court deems equitable and just.

**COUNT III**

**745 ILCS 10/9-102 Claim Against THE CITY OF CHICAGO**

29. The PLAINTIFF re-alleges paragraphs 1 – 19 as though fully set forth herein.

30. Defendant CITY OF CHICAGO is the employer of the DEFENDANT OFFICERS.

31. The DEFENDANT OFFICERS, as alleged above, committed the acts under the color of law and in the scope of the employment of THE CITY OF CHICAGO.

WHEREFORE, the PLAINTIFF, STEVIE WALLACE, demands compensatory damages from the DEFENDANT OFFICERS. Plaintiff, STEVIE WALLACE also demands punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS and whatever additional relief this Court deems equitable and just.

**COUNT IV**

**Supplementary Claim for *Respondeat Superior***

32. The PLAINTIFF re-alleges paragraphs 1 – 19 as though fully set forth herein.

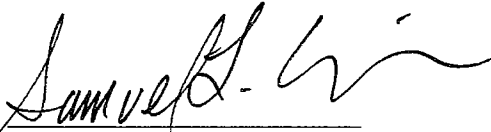
33. The aforesaid acts of the DEFENDANT OFFICERS were in the scope of employment and therefore the Defendant THE CITY OF CHICAGO, as principal, is liable for the actions of its agent(s) under the doctrine of *respondeat superior*.

WHEREFORE, the PLAINTIFF, STEVIE WALLACE, demands compensatory damages from the DEFENDANT OFFICERS. Plaintiff, STEVIE WALLACE also demands punitive damages, costs and attorneys' fees against the DEFENDANT OFFICERS and whatever additional relief this Court deems equitable and just.

**Jury Demand**

34. Plaintiff demands trial by jury.

Respectfully submitted,

  
\_\_\_\_\_  
Attorneys for the Plaintiff

EVINS & ASSOCIATES, LTD.  
20 N. Clark Street, Suite 1450  
Chicago, Illinois 60602  
Tel. (312) 782-2308  
Fax. (312) 782-6774  
Attorney I.D. # 35186